

10/648,702
November 9th, 2005
Reply to Office Action of 08/09/2005

Via Facsimile

Remarks

This amendment is in response to the August 9th, 2005 Office Action, for which an RCE has been filed. Applicant respectfully traverses Examiner's rejections of claims 1-20 in light of the above amendments and following remarks:

Support for the amendments to claims 1, 5, 18 and 20 can be found, for example, on paragraph 16 that describes that insertion is by making a hole in the tree, and paragraph 19 where it is described that the process waits until trees are mature before making a hole. Although applicant recognizes "mature" can be somewhat ill-defined, it at least means that the tree is large enough to receive a hole in which an RFID tag can be placed. Unlike the *Washington.edu* prior art that grafts a tag onto a sapling.

Support for the amendment to claims 9 and 11 can be found, for example, on paragraph 41. A problem with harvesting trees is that it is often difficult to determine, when at a remote location, when a tree should be harvested. Additionally, when workers in the field, they often misidentify a tree for harvest. Claims 9 and 11 are directed to the present invention being used in such instances.

Claim Rejection under 35 USC 102

Claims 1-5, 7-13, 15, 16, 18 and 20 were rejected under 102(e) as being anticipated by the Internet article is traversed.

In regards to all independent claims, Applicant had previously specified that his tags are inserted into the tree and the prior art taught attaching. Applicant has now amended the claims to clarify that insertion is making a hole

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into a mature tree, whereas the prior art teaches grafting (which makes a slit) a tag into a sapling. The cartoon that the Examiner has cited from the Internet article actually show a sapling with a tag, and then that same sapling 20 years later, not a mature tree with a tag inserted into it.

The limitation "negligible physiological impact on said tree" that was embodied in claim 2 has been moved to claim 1 (and 18). In rejecting claim 2, the Examiner states that "harming a tree would be in direct contradiction to (conservation)." This, however, is an opinion and not supported by the prior art. The Internet Article used as a §102 rejection clearly shows the major physiological impact that grafting a sappling causes.

In regards to claim 3, the Applicant and Examiner have had difficulty coming to an agreement on "minimal visual mark." The Examiner has stated that "RFID tags generally are not large, so the visual mark from one would not be great." However, this ignores the prior art, where it (as provided in the previous response) clearly shows tumor sized tags in the trees even after six months! The rejection is therefore improper, since it does not anticipate the claim. However, in order to further clarify applicant's position, the claim has been amended to include the further limitation, "immediate" such that the tag is not readily apparent immediately after the method of inserting it has been accomplished (which might include covering the hole with some substance as described in the specification).

Applicant appreciates that "minimal visual mark" is not exactly quantifiable, but Applicant will specify that it means not readily apparent by visual inspection.

Modified claims 5 and 20 are directed towards using at least two tags, one for the harvested portion of the tree and one for the base. In this manner the trunk can be, with 100% accuracy, matched to the base.

Applicant believes that the rest of the rejected claims are sufficiently discussed by the above discussion of their parent independents.

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Claim Rejections under 103

The examiner further rejected claims 6, 19, 14 and 17 as being unpatentable over the Internet article in view of Cybulski (6,669,089), the examiner's personal experience, and/or Mosher Jr. (5,973,600).

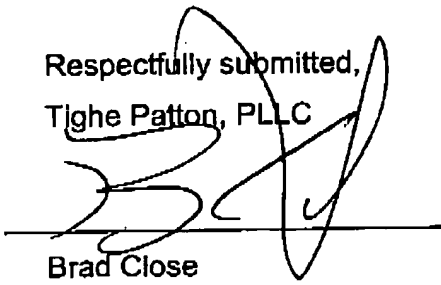
Applicant traverses these rejections in light of the above arguments, as well as the following remarks:

Claim 17. In the cited article, the author used what little language was written (approximately only 8 sentences of text) to specify that the "tag is passive and only reflects the readers signal." Therefore to use this reference in combination with active tags goes against the teachings of the reference.

Claim 14. Has described in the specification that managing the trees after harvest can be done by mounting scanners at fixed locations as a tree load is moved around. The examiner has been citing a forklift prior art against this claim since one of the options in the claim was having the sensor on a truck. Applicant has now removed the truck limitation to better focus the claim onto the managing of the trees after harvest.

Respectfully submitted,
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by



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